

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICARDO SHERMAN,

Plaintiff,

Case No. 10-10073

Hon. Marianne O. Battani

v.

CITY OF DETROIT DEPARTMENT
OF HEALTH AND WELLNESS
PROMOTION, et al.,

Defendants.

_____ /

**ORDER DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE
AS TO DEFENDANT CITY OF DETROIT DEPARTMENT OF
HEALTH AND WELLNESS PROMOTION**

In January 2010, Ricardo Sherman filed a Complaint alleging Defendants, City of Detroit Department of Health and Wellness Promotion, Tony O'Rourke, and Darlene McDougal had violated his rights. The individual Defendants moved for dismissal, which the Court granted. See Doc. No. 17. Thereafter, the Court sent Plaintiff Notice of Scheduling Conference (Doc. No. 18), setting June 9, 2010, as the time for Plaintiff to appear for a scheduling conference.

Because Plaintiff did not appear, the Court issued an Order to Show Cause why the case should not be dismissed for failure to appear for a scheduling conference. Sherman informed the Court that he had not received notice, and the Court set aside the show cause order.

The Court reset the scheduling conference for July 12, 2010. Although Plaintiff failed to attend, he notified the Court that he was unable to attend, and the conference was moved to August 2, 2010. Plaintiff failed to appear for the conference and failed to advise the Court that he was unable to attend. Accordingly, this matter is **DISMISSED** without prejudice as to Defendant City of Detroit Department of Health and Wellness Promotion.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: August 25, 2010

CERTIFICATE OF SERVICE

A copy of this Order was mailed and/or e-filed to Plaintiff and counsel of record on this date.

s/Bernadette M. Thebolt
Case Manager